

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on February 9, 2009 at
3:20 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 310, 1/29/2009

Executive Action: SB 294 DO PASS
SB 296 DO PASS AS AMENDED

HEARING ON SB 310

Opening Statement by Sponsor:

00:01:09 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 310, Prohibit local covenants prohibiting protest of SID.

Proponents' Testimony:

00:03:30 Linda Frey, Missoula also speaking for Tom Crowley, former City Engineer, Missoula

EXHIBIT(los30a01)

EXHIBIT(los30a02)

Series of letters submitted by Linda Frey written by Lawrence Anderson, Joseph and Barbara Gorsh, Mike Hegedus, and Nancy and Rowan McQuarrie, all residing in Missoula.

00:10:14 Sen. Roy Brown, SD 25

00:10:59 Dick Haines, City Council Member, Missoula

00:15:31 Tom Ross, Missoula

00:16:55 Will Deschamps, Missoula, former Planning Board Member

EXHIBIT(los30a03)

00:20:18 David Mihalic, Missoula

00:23:22 Carson Robinson, Missoula

00:24:47 Dave Stusek, student representing Associated Students of University of Montana (ASUM)

00:26:31 Barbara Ford, Missoula

Opponents' Testimony:

00:27:17 Paddy Trusler, Lake County Commissioner, and Chairman of the Land Use Committee, Montana Association of Counties (MACo) also speaking for Lewis & Clark County

00:30:17 Linda Stoll, previous Lewis & Clark County Commissioner representing Montana Association of Planners of Missoula County

00:33:12 Alec Hansen, representing Montana League of Cities and Towns

00:37:08 Carlotta Grandstaff, Ravalli County Commissioner

00:39:42 Kathleen Driscoll, Ravalli County Commissioner

Informational Testimony:

00:42:41 Former U.S. Representative Rick Hill, representing Montana Building Industry Association (MBIA)

Questions from Committee Members and Responses:

00:43:10 Sen. Erickson
 00:43:44 Linda Frey
 00:45:29 Sen. Tutvedt
 00:46:14 Rick Hill, MBIA
 00:48:33 Sen. Tutvedt
 00:49:17 Sen. Shockley
 00:50:42 Sen. Tutvedt
 00:50:57 Sen. Shockley
 00:51:07 Sen. Gillan
 00:51:52 Sen. Shockley
 00:52:29 Chairman Esp
 00:52:44 Sen. Shockley
 00:52:54 Sen. Gillan
 00:53:39 Sen. Shockley
 00:54:35 Sen. Gillan
 00:55:14 Sen. Shockley
 00:55:46 Chairman Esp
 00:56:20 Sen. Shockley
 00:57:22 Sen. Essmann
 00:57:57 Linda Frey
 00:59:27 Sen. Essmann
 00:59:37 Linda Frey
 01:00:44 Sen. Barkus
 01:00:59 Will Deschamps
 01:01:26 Sen. Barkus
 01:01:45 Linda Stoll
 01:02:04 Sen. Barkus
 01:02:58 Linda Stoll
 01:08:12 Sen. Barkus
 01:09:04 Sen. Shockley
 01:09:23 Sen. Erickson
 01:10:02 Linda Stoll
 01:10:28 Sen. Erickson
 01:10:36 Alec Hansen
 01:13:04 Chairman Esp
 01:14:02 Alec Hansen
 01:15:14 Chairman Esp
 01:15:52 Linda Stoll
 01:16:48 Chairman Esp
 01:17:47 Sen. Tutvedt
 01:18:16 Linda Frey

Closing by Sponsor:

01:20:15 Sen. Shockley

Committee Business:

01:27:05 Chairman Esp
01:27:13 Leanne Heisel, Legislative Services Division (LSD)

EXHIBIT(los30a04)

01:27:36 Sen. Gillan
01:27:45 Leanne Heisel, LSD

EXECUTIVE ACTION ON SB 294

01:29:12 **Motion:** Sen. Gillan moved that **SB 294 DO PASS.**

01:29:37 **Motion:** Sen. Essmann moved that **SB 294 BE AMENDED.**

EXHIBIT(los30a05)

Discussion:

01:29:52 Chairman Esp
01:30:31 Sen. Gillan
01:31:03 Chairman Esp
01:31:35 Sen. Gillan
01:32:54 Sen. Essmann
01:33:11 Leanne Heisel, LSD
01:33:55 Sen. Gillan
01:34:08 Sen. Barkus
01:34:31 Chairman Esp
01:35:00 Sen. Barkus
01:36:05 Chairman Esp
01:36:20 Sen. Barkus
01:36:44 Chairman Esp

01:36:53 Sen. Gallus left the meeting.

01:37:30 Sen. Barkus
01:37:51 Sen. Gillan
01:38:53 Sen. Barkus
01:39:16 Chairman Esp
01:40:24 Sen. Barkus
01:41:40 Leanne Heisel

01:41:58 Sen. Essmann withdrew the motion.

01:43:13 Sen. Essmann
01:44:52 Sen. Barkus
01:45:44 Leanne Heisel
01:46:21 Chairman Esp
01:47:21 Sen. Gillan

01:49:12 **Vote:** Motion carried 8-1 by roll call vote with Sen. Esp voting no and Sen. Gallus voting by proxy.

01:50:14 Sen. Gillan

01:53:14 Sen. Barkus left the hearing.

EXECUTIVE ACTION ON SB 296

01:50:57 **Motion:** Sen. Essmann moved that **SB 296 DO PASS.**

01:51:24 **Motion:** Sen. Essmann moved that **SB 296 BE AMENDED.**
EXHIBIT(los30a06)

Discussion:

01:51:38 Leanne Heisel

01:52:05 Sen. Erickson

01:52:23 **Vote:** Motion carried 8-1 by voice vote with Sen. Laslovich voting no and Sens. Gallus and Barkus voting by proxy.

01:52:51 **Motion:** Sen. Essmann moved that **SB 296 DO PASS AS AMENDED.**

Discussion:

01:53:05 Sen. Essman

01:53:35 **Vote:** Motion carried unanimously by voice vote with Sens. Gallus and Barkus voting by proxy.

Committee Business:

01:54:28 Chairman Esp

ADJOURNMENT

Adjournment: 5:00 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los30aad.pdf](#))